

**Remarks**

Claims 1-50 and 80-95 are pending and at issue in the present application, claims 51-79 and 96-100 having been withdrawn from further consideration by the examiner. The examiner is requested to hold the non-elected claims in abeyance pending the filing of one or more divisional applications.

Applicants traverse the objection to claim 80 due to the misspelling of the term "liquid." By this amendment, claim 80 has been amended to address the issue raised by the examiner.

Applicants traverse the rejection of claims 5, 13, 17, 24, 30, 38, 42, 50, 83, and 91-93 as indefinite. These claims have been amended to clarify the term "ABS" as acrylonitrile-butadiene-styrene copolymer.

Applicants further traverse the rejections of the claims at issue as anticipated by Otten et al. and Carson et al. A declaration under 37 C.F.R. §131 is enclosed herewith removing such items as prior art against the claims of the present application.

Applicants traverse the rejections of the claims at issue as anticipated by or obvious over Kessler, Miyake et al., Thompson, Vargo, Alston et al., and Shigeru.

Claim 1, as amended, and claims 2-13 dependent thereon, specify a single use processing substrate including a cut-resistant surface, a liquid impervious barrier, and a liquid absorbent portion disposed adjacent the surface.

Claim 14, and claims 15-24 dependent thereon, recite a single use processing substrate including a cut-resistant surface having a continuous film with holes formed therein. The substrate further includes a liquid absorbent portion disposed adjacent the cut-resistant surface, and a liquid impervious barrier surface opposite the cut-resistant surface.

Claim 25, as amended, and claims 26-38 dependent thereon, specify a disposable processing substrate including a first material having a liquid-permeable, cut-resistant surface. The substrate further includes a second material disposed adjacent the first material and having a liquid-absorbent portion, and a third material disposed adjacent the second material and having a liquid-impermeable portion.

Claim 39, as amended, and claims 40-50 dependent thereon, recite a single-use processing substrate including first means for providing a liquid-permeable, thermoplastic, cut resistant surface. The substrate further includes second means disposed adjacent the first means and providing means for providing a liquid-absorbent portion and third means

disposed adjacent the second means and providing means for providing a liquid-impermeable portion.

Claim 80, as amended, and claims 81-87 dependent thereon, specify a processing substrate including a first thermoplastic material having a liquid-permeable surface comprising a sheet of continuous film having holes formed therein. The substrate further includes a second material disposed adjacent the first material and having a liquid-absorbent portion and a third material disposed adjacent the second material and having a liquid-impermeable surface.

Claim 88, and claims 89-95 dependent thereon, recite a cutting surface including a first layer having a liquid-permeable, cut-resistant surface comprising a continuous film having holes formed therein. The surface further includes a second layer disposed adjacent the first layer and having a liquid-absorbent portion and a third layer disposed adjacent the second layer and having a liquid-impermeable surface.

None of the cited references, alone or in combination, discloses or suggests a processing substrate having three distinct layers including a cut-resistant surface, a liquid impervious barrier, and a liquid absorbent portion adjacent the surface. Also, none of the cited references, alone or in combination, discloses or suggests such structure wherein the cut-resistant surface is thermoplastic.

In fact, Kessler discloses a transparent cutting board formed of only a plastics material, preferably an acrylic plastic or a polystyrene, with an embossed cutting surface.

Miyake et al. discloses a food cutting board having a base board and organic polymer layers on top and bottom surfaces of the base board. The organic polymer layers contain an antibacterial zeolite and form a rough surface on the top and bottom surfaces of the food cutting board.

Thompson discloses an absorptive structure including a topsheet of liquid impervious material, an absorbent pad, and a liquid impervious backsheets. The topsheet includes tapered capillaries having a base in the plane of the topsheet and an apex remote from the plane of the topsheet and in contact with the absorbent pad.

Vargo discloses a disposable floor mat having a top layer of a porous, relatively rigid and substantially incompressible material having ridges and grooves. The mat further includes two intermediate absorbent layers and a substantially liquid impervious bottom layer.

Alston et al. discloses a fluid absorbing system including a grid of inverted, semi-conical projections or fingers, a fluid absorbing mat disposed below the projections, and openings at a point where the projections meet the absorbing mat. The openings allow fluids to drain from the projections into the fluid absorbing mat.

Shigeru discloses a paper cutting board. The cutting board includes a top layer of paper having a coating or water resistance treatment thereon, an absorbent middle layer, and a bottom layer made of a soft material such as vinyl material or polypropylene. A translation of the Shigeru patent document is attached hereto for the convenience of the examiner.

Shigeru distinctly differs from the present invention. Although the title of the patent refers to a cutting board, the patent does not disclose a top layer that is cut-resistant or would inherently be cut-resistant. The cutting board is for use on a cutting block, sink, etc... and includes a top layer that appears to be a single layer of paper, which would be consistent with the reference to a "simple" paper cutting board. Further, cut-resistance is not an inherent characteristic of paper, so it would not be inherent or obvious that the top, paper layer is or could be made cut-resistant. The bottom layer of vinyl material or polypropylene is apparently cut-resistant to provide the necessary cut-through protection for the cutting board. Shigeru also never discloses or suggests the use of thermoplastic for the top layer. It is, therefore, apparent that Shigeru does not disclose or suggest in anyway a top layer that is cut-resistant or thermoplastic.

Because the prior art does not disclose each of the elements recited by the claims at issue, it follows that such claims are not anticipated thereby.

Further, because none of the prior art discloses or suggests that it would be desirable or even possible to have a processing substrate having three distinct layers as specified by the claims at issue, it is evident that the claims, as amended, are not obvious thereover. The prior art must disclose at least a suggestion of an incentive for the claimed combination of elements in order for a *prima facie* case of obviousness to be established. See *In re Sernaker*, 217 U.S.P.Q. 1 (Fed. Cir. 1983) and *Ex Parte Clapp*, 227 U.S.P.Q. 972, 973 (Bd. Pat. App. 1985). Accordingly, the obviousness rejections should be withdrawn.

The claims have been amended to further define the subject matter for which protection is sought and not to narrow the claimed subject matter. The amended claims do not present new matter.

Attached hereto as pages 9-11 is a marked-up version of the changes made to the claims by the current amendment.

An early and favorable action on the merits is respectfully requested.

Respectfully submitted,

Law Offices of  
McCracken and Frank

By: Erin J. Fox  
Erin J. Fox  
Reg. No: 52,261

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200 W. Adams  
Suite 2150  
Chicago, IL 60606  
Telephone: (312) 263-4700  
Facsimile: (312) 263-3990

Customer No. 29471

**Version with Markings to Show Changes Made**

**In the Claims:**

Please amend claims 1, 5, 13, 17, 24, 25, 30, 38, 39, 42, 50, 80, 83, and 91 as follows:

1. (Amended) A single use processing substrate, comprising:  
[providing a surface capable of withstanding cutting by a serrated knife without substantial compromise of the sheet, a liquid impervious barrier and a liquid absorbent portion disposed adjacent the surface.]  
a cut-resistant surface;  
a liquid impervious barrier; and  
a liquid absorbent portion disposed adjacent the surface.
5. (Amended) The processing substrate of claim 4, wherein the thermoplastic resin is selected from the group consisting of polyolefins, polyesters, polystyrene, polyvinyl alcohol, polyvinyl chloride, nylon, polyacrylonitrile, [ABS] acrylonirile-butadiene-styrene copolymer (ABS) and ethylvinylacetate.
13. (Amended) The processing substrate of claim 12, wherein the thermoplastic resin is selected from the group consisting of polyolefins, polyesters, polystyrene, polyvinyl alcohol, polyvinyl chloride, nylon, polyacrylonitrile, [ABS] acrylonirile-butadiene-styrene copolymer (ABS) and ethylvinylacetate.
17. (Amended) The processing substrate of claim 16, wherein the thermoplastic resin is selected from the group consisting of polyolefins, polyesters, polystyrene, polyvinyl alcohol, polyvinyl chloride, nylon, polyacrylonitrile, [ABS] acrylonirile-butadiene-styrene copolymer (ABS) and ethylvinylacetate.
24. (Amended) The processing substrate of claim 23, wherein the thermoplastic resin is selected from the group consisting of polyolefins, polyesters, polystyrene, polyvinyl alcohol, polyvinyl chloride, nylon, polyacrylonitrile, [ABS] acrylonirile-butadiene-styrene copolymer (ABS) and ethylvinylacetate.

25. (Amended) A disposable processing substrate, comprising:  
a first material having a liquid-permeable, cut resistant surface [capable of withstanding cutting by a serrated knife without substantial compromise of the first material];  
a second material disposed adjacent the first material and having a liquid-absorbent portion; and  
a third material disposed adjacent the second material and having a liquid-impermeable portion.

30. (Amended) The processing substrate of claim 29, wherein the thermoplastic resin is selected from the group consisting of polyolefins, polyesters, polystyrene, polyvinyl alcohol, polyvinyl chloride, nylon, polyacrylonitrile, [ABS] acrylonirile-butadiene-styrene copolymer (ABS) and ethylvinylacetate.

38. (Amended) The processing substrate of claim 37, wherein the thermoplastic resin is selected from the group consisting of polyolefins, polyesters, polystyrene, polyvinyl alcohol, polyvinyl chloride, nylon, polyacrylonitrile, [ABS] acrylonirile-butadiene-styrene copolymer (ABS) and ethylvinylacetate.

39. (Amended) A single-use processing substrate, comprising:  
first means for providing a liquid-permeable, thermoplastic, cut resistant surface [capable of withstanding cutting by a serrated knife without substantial compromise of the processing substrate];  
second means disposed adjacent the first means and providing means for providing a liquid-absorbent portion; and  
third means disposed adjacent the second means and providing means for providing a liquid-impermeable portion.

42. (Amended) The processing substrate of claim 41, wherein the thermoplastic resin is selected from the group consisting of polyolefins, polyesters, polystyrene, polyvinyl alcohol, polyvinyl chloride, nylon, polyacrylonitrile, [ABS] acrylonirile-butadiene-styrene copolymer (ABS) and ethylvinylacetate.

50. (Amended) The processing substrate of claim 49, wherein the thermoplastic resin is selected from the group consisting of polyolefins, polyesters, polystyrene, polyvinyl alcohol, polyvinyl chloride, nylon, polyacrylonitrile, [ABS] acrylonirile-butadiene-styrene copolymer (ABS) and ethylvinylacetate.

80. (Amended) A processing substrate, comprising:  
a first thermoplastic material having a liquid-permeable surface comprising a sheet of continuous film having holes formed therein;  
a second material disposed adjacent the first material and having a liquid-absorbent portion; and  
a third material disposed adjacent the second material and having a [iquid] liquid-impermeable surface.

83. (Amended) The processing substrate of claim 82, wherein the thermoplastic resin is selected from the group consisting of polyolefins, polyesters, polystyrene, polyvinyl alcohol, polyvinyl chloride, nylon, polyacrylonitrile, [ABS] acrylonirile-butadiene-styrene copolymer (ABS) and ethylvinylacetate.

91. (Amended) The processing substrate of claim 90, wherein the thermoplastic resin is selected from the group consisting of polyolefins, polyesters, polystyrene, polyvinyl alcohol, polyvinyl chloride, nylon, polyacrylonitrile, [ABS] acrylonirile-butadiene-styrene copolymer (ABS) and ethylvinylacetate.